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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,852

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Johannes Y Tichelaar

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EXAMINER

SQUIRES, BRETT S

ART UNIT

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2131

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,852	<b>Applicant(s)</b> TICHELAAR ET AL.	
	<b>Examiner</b> BRETT SQUIRES	<b>Art Unit</b> 2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/22/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Specification***

1. The disclosure is objected to because of the following informalities: the various sections of the specification are not labeled with the appropriate section heading.

Please see MPEP 608.01(a). Appropriate correction is required.

The disclosure is objected to for the following grammatical error: on page 5 line 5 the specification recites "After step 67 has been performed, step 62 may executed again." This sentence is placed in the discussion about the process being performed by steps 70-79 and creates confusion regarding the sequence of steps performed.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites a structure connoting term such as "fingerprint extractor," coupled with a description of the structure's operation "wherein the fingerprint extractor is adapted to accept a signal comprising a data stream and extract a first fingerprint of user specified data existing within the data stream," to provide sufficient structural meaning. The use of claim language such as "adapted to" makes the structure's operation optional and thus causes claim 1 recite a parts list with the necessary

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structural relationship among claimed elements to be optional. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 12, 19-32, 35, 42-43, and 46-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Fellenstein et al. (US 2004/0019905).

Regarding Claim 1:

Fellenstein discloses a system for blocking television commercials (“Logical Unit” See fig. 1 ref. no. 106) having a fingerprint extractor (“Processor” See fig. 6 ref. no. 602), a fingerprint detector (“Processor” See fig. 6 ref. no. 602), a control device (“Processor” See fig. 6 ref. no. 602), an input device (“Keypad” and “Touchscreen” fig. 6 ref. no. 620), a memory device (“Local Memory” See fig. 6 ref. no. 609), and an output device (“Television” See fig. 1 ref. no. 11), wherein the fingerprint extractor is adapted to accept a signal (“Television Signal” See paragraph 37) comprising a data stream and extract a first fingerprint (“Unique digital identifying tag” See paragraphs 35 and 38-40) of user specified data existing within the data stream (“Unique digital identifying tag of a

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blocked advertisement" See paragraphs 38-41), wherein the input device is adapted to accept a first command to extract the first fingerprint ("The commercial block operation selected by the user commands logic unit to extract the unique digital identifying tag of an advertisement and store the tag in a library of blocked advertisements." See paragraphs 39-41) and accepted a second command to attach an associated action to the fingerprint ("The commercial block operation selected by the user commands the block action be associated with the unique digital identifying tag." See paragraphs 41), wherein the memory device is adapted to store the first fingerprint and the associated action ("The logical unit develops a library of the block advertisements." See paragraph 40), wherein the fingerprint detector is adapted to accept the signal comprising the data stream continuously extract a plurality of fingerprints from the data stream and compare the plurality of fingerprints to the first fingerprint stored in the memory device for a match between the first fingerprint and any fingerprint stored in the memory device ("Logical unit recognizes a particular commercial based on the unique identifying tag." and "Once a commercial signal is detected to be identical to a blocked advertisement, then the logical unit takes the actions it has been programmed to implement." See paragraphs 38-40), wherein the control device is adapted to execute the associated action upon detection of a match ("Once a commercial signal is detected to be identical to a blocked advertisement, then the logical unit takes the actions it has been programmed to implement." See paragraph 40), and wherein the output device is adapted to output the data stream comprising the executed action ("There are many different types of

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alternative programming that commercial blocking program can display on the user's television instead of the block commercial." See paragraph 42).

Regarding Claims 2 and 25:

Fellenstein discloses feedback data is outputted to the output device wherein the feedback data comprises a sample of the user specified data that has been marked by the first fingerprint ("The user may desire to have a brief description of which commercial is being block." See paragraph 53) and wherein the feedback data comprises a message regarding the associated action to be executed ("A brief message displayed to inform the viewer that alternative programming will be presented during the commercial interval." See paragraph 18).

Regarding Claims 3-5 and 26-28:

Fellenstein discloses the data stream is a television signal comprising an audio data stream and a video data stream (See paragraph 37).

Regarding Claims 6-7 and 29-30:

Fellenstein discloses the first fingerprint comprises a first specified sample of the commercial data stream ("Number sequence before the header of each commercial." See paragraph 35) wherein a second finger print is extracted from the commercial data stream ("Logical unit recognizes a particular commercial based on the unique identifying tag." See paragraph 38), wherein the second fingerprint comprises a second specified sample of the commercial data ("Number sequence after the trailer of each commercial." See paragraph 35) and wherein the associated action is executed on a data block of the commercial stream that is between the first fingerprint and the second

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fingerprint ("There are many different types of alternative programming that commercial blocking program can display on the user's television instead of the block commercial."

See paragraph 42).

Regarding Claims 8-9 and 31-32:

Fellenstein discloses that an X video component, a Y video component, and an audio component are used to identifying a commercial from all other commercials (See paragraph 27.) Fellenstein further discloses a given pattern of video/audio signals occurring around the nominal beginning of an advertisement may point back to specified commercial (See paragraph 39).

Regarding Claims 12, 19, 35, and 42:

Fellenstein discloses the associated action comprises muting the video data within the data block ("A blank screen is display for the duration of the blocked commercial." See paragraph 42).

Regarding Claims 20 and 43:

Fellenstein discloses the television signal can be a cable television signal or wireless television signal (See paragraph 37).

Regarding Claims 22 and 46:

Fellenstein discloses the logical unit can be combined with a television (See paragraph 37).

Regarding Claims 23 and 47:

Fellenstein disclose the output device is a television (See fig. 1 ref. no. 110).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-11, 17-18, 33-34, and 40-41 are rejected under 35 U.S.C. 103(a) as being obvious over Fellenstein et al. (US 2004/0019905) in view of Forbes et al. (US 5,708,477).

Fellenstein discloses the above stated system for blocking television commercials that displays alternative programming on the user's television instead of a block commercial (See paragraph 42).

Fellenstein does not disclose that the alternative programming can be a blocked commercial with the audio data muted.

Forbes discloses a video signal identifier for controlling a television based on the occurrence of commercials that automatically detects memorized video signals and subsequently mutes the audio signals (See col. 1 lines 50-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system for blocking television commercials disclosed by Fellenstein to include automatically muting audio signals such as that taught by Forbes in order to reduce the burden on a user of the system by automating a process that was previously performed by hand (See Forbes col. 1 lines 38-46).



Claims 13-16 and 36-39 are rejected under 35 U.S.C. 103(a) as being obvious over Fellenstein et al. (US 2004/0019905) in view of Boles et al. (US 5,019,899).

Fellenstein discloses the above stated system for blocking television commercials that analyzes fingerprints associated with commercials (See paragraphs 37-42).

Fellenstein does not explicitly disclose that the above stated system for blocking television commercials analyzes fingerprints associated with TV shows.

Boles discloses analyzing fingerprints associated with TV transmissions (See col. 4 lines 35-43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system for blocking television commercial to analyze fingerprint associated with TV transmissions such as that taught by Boles in order to allow age sensitive TV shows to blocked from viewing.

Claims 21 and 44-45 are rejected under 35 U.S.C. 103(a) as being obvious over Fellenstein et al. (US 2004/0019905) in view of Boles et al. (US 5,019,899).

Fellenstein discloses the above stated system for blocking television commercials that extract a first fingerprint and a second fingerprint from a commercial data stream (See paragraphs 35 and 38).

Fellenstein does not disclose that the first fingerprint and the second fingerprint comprise a string of 32 bit words.

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Boles discloses an apparatus for forming a database of commercials to be recognized against real-time TV transmissions that uses 32 bit words for fingerprinting commercials (See col. 4 lines 15-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system for block television commercial disclosed by Fellenstein to include using 32 bit words for fingerprinting commercials such as that taught by Boles in order reduce the processing and storage requirement of the system (See Boles col. 2 line 63 to col. 3 lines 15).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRETT SQUIRES whose telephone number is (571) 272-8021. The examiner can normally be reached on 9:00am - 5:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2131